

ARDC No. 6276278

3007042-MJM/CMK

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

THOMAS LAYBURN and
CINDY LAYBURN,

Plaintiffs,

vs.

HYD MEC GROUP LIMITED,

Defendant.

No. 08 CV 2876

MEMORANDUM IN SUPPORT OF DEFENDANT
HYD-MECH GROUP LIMITED'S NOTICE OF REMOVAL

NOW COMES Defendant, HYD-MECH GROUP LIMITED (improperly sued herein as "HYD MEC GROUP LIMITED"), by its attorneys, SmithAmundsen LLC, and pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, moves this Court to remove this action to the United States District Court for the Northern District of Illinois, Eastern Division, and in support thereof, states as follows:

I. STATEMENT OF FACTS

1. On April 9, 2008, Plaintiffs filed a personal injury law suit in the Circuit Court of Cook County, Law Division, in which it was alleged that Plaintiff Thomas Layburn was injured while operating a saw manufactured by Defendant Hyd-Mech Group Limited.¹ Defendant Hyd-

¹ *Complaint at Law*, attached hereto and incorporated herein as Exhibit A.

Mech Group Limited was served with a copy of the complaint on April 21, 2008.² Defendant Hyd-Mech Group Limited filed its appearance in state court on May 15, 2008.³

As required by 28 U.S.C. § 1446(d), Defendant has promptly served upon Plaintiff's counsel and has filed with the Circuit Court of Cook County a true and correct copy of the Notice of Removal filed in this matter, as well as this Memorandum of Law in Support thereof.

II. REMOVAL IS PROPER

A. Diversity Jurisdiction Exists

The existence of diversity jurisdiction is determined at the time a case begins.⁴ An individual is a citizen of the state in which he is domiciled, i.e., physically present and intending to remain in the state indefinitely.⁵ Objective manifestations of an individual's intent to remain in a state indefinitely include evidence regarding where the individual is employed; where he is registered to vote; where he pays taxes; the location of his bank accounts, real property and personal property; and whether the individual belongs to any clubs or organizations.⁶ A corporation's citizenship status is determined by its country, state of incorporation, and/or principal place of business.⁷

² *Evidence of Process dated April 21, 2008*, attached hereto and incorporated herein as Exhibit B.

³ *Appearance*, attached hereto and incorporated herein as Exhibit C.

⁴ *Denlinger v. Brennan*, 87 F.3d 214, 216 (7th Cir. 1996).

⁵ *Dausch v. Rykse*, 9 F.3d 1244, 1245 (7th Cir. 1993); *Perry v. Pogemiller*, 16 F.3d 138, 140 (7th Cir. 1993).

⁶ *O'Neal v. Atwal*, 425 F. Supp.2d 944 (W.D. Wis. 2006).

⁷ See, e.g., *Jerguson v. Blue Dot Inv.*, 659 F.2d 31, 35 (5th Cir. 1981); *Simon Holdings P.L.C. Group of Cos. U.K. v. Klenz*, 878 F. Supp. 210, 211-13 (M.D. Fla. 1995); *Harper-Wyman Co. v. In-Bond Contract Manuf., Inc.*, 1994 U.S. Dist. LEXIS 518 (N.D. Ill. 1994).

1. Plaintiffs' Citizenship and Domicile is in Illinois

Plaintiffs Thomas and Cindy Layburn are citizens of the State of Illinois. Thomas Layburn's home address is in Oak Lawn, Illinois.⁸ At the time of his alleged injury, Mr. Layburn was employed by Crucible Service Centers in Romeoville, Will County, Illinois.⁹ All of Thomas Layburn's medical treatment to date that is related to his alleged injuries appears to have taken place in Illinois.¹⁰ The fact that Mr. Layburn received mail in Illinois, worked in Illinois on the date of the alleged incident, and has filed suit in Illinois indicates that he is indeed domiciled in Illinois. Plaintiff Cindy Layburn alleges that she has and will continue to suffer loss of consortium of her husband, Thomas Layburn, indicating that Plaintiff Cindy Layburn lives with Thomas Layburn, and is therefore domiciled in the State of Illinois as well.¹¹

2. Defendant's Citizenship and Domicile is in Canada

Defendant Hyd-Mech Group Limited is a Canadian company, founded, organized and doing business in Woodstock, Ontario, Canada.¹² While Hyd-Mech has a production facility in Arkansas (not in Illinois), Hyd-Mech's principal place of business is in Woodstock, Ontario, Canada. Hyd-Mech is thus an alien corporation, domiciled in Canada. And even if the Court were to find that Hyd-Mech is also domiciled in Arkansas, complete diversity would exist between the parties.

⁸ See Letter from Plaintiff's Attorney and attachments dated February 4, 2008, attached hereto as Exhibit D (portions redacted to protect Plaintiffs' privacy).

⁹ Exh. A, Complaint, at ¶4.

¹⁰ Exh. D, Medical Bills (portions redacted for Plaintiffs' privacy). These medical bills are all addressed to Plaintiff Thomas Layburn at his Oak Lawn, Illinois address.

¹¹ Exh. A, Complaint, at Count III.

¹² See Hyd-Mech Group Limited Company Information pages; <http://www.hydmech.com/index> (last visited May 15, 2008), copies of which are attached hereto as Exhibit E.

3. Alienage Jurisdiction is Proper Under 28 U.S.C. § 1332(a)(2)

Because the parties consist of individual plaintiffs who are citizens of Illinois and an alien corporation, this Court has alienage jurisdiction over the suit pursuant to 28 U.S.C. § 1332(a)(2), which provides for jurisdiction between citizens of a state and aliens. If, however, the Court finds that the information set forth above is not enough to support findings on the parties' citizenship, Defendant Hyd-Mech Group Limited maintains that the suit is not yet removable and therefore, pursuant to 28 U.S.C. § 1446(b), may become removable within thirty (30) days after the service of paper that indicates that the case has become removable.¹³ To that end, Defendant has served a Request to Admit Facts upon Plaintiffs requesting admissions regarding Plaintiffs' citizenship and amount of damages claimed.

B. The Amount in Controversy Exceeds \$75,000.00

Plaintiffs' Complaint alleges that they seek damages that "will exceed the amount of \$50,000."¹⁴ Information contained in correspondence from Plaintiffs' counsel indicates that Thomas Layburn's alleged injuries include the loss of portions of three fingers on his left hand, and that medical bills incurred in one day (on the date of the alleged incident) total over \$20,000.¹⁵

Given the nature of the allegations, Defendant believes in good faith that the amount in controversy exceeds the jurisdictional limit of \$75,000.00, exclusive of interest and costs.¹⁶

¹³ See, e.g., *Caterpillar Inc. v. Lewis*, 519 U.S. 61, 68-69 (1996).

¹⁴ Exhibit A, Complaint, Rule 222 Affidavit.

¹⁵ Exhibit D, "Factual Report/Damages Statement," and photos.

¹⁶ Additionally, 28 U.S.C. § 1367 provides supplemental jurisdiction over Cindy Layburn's claims if the Court finds that the claims of at least one plaintiff (in this case, Thomas Layburn) satisfy the amount-in-controversy requirement. *Exxon Mobil Corp. v. Allapattah Servs., Inc.*, 545 U.S. 546, 125 S. Ct. 2611, 2615 (2005).

III. CONCLUSION

This matter is properly removable pursuant to 28 U.S.C. §§ 1332, 1441 and 1446. There is complete diversity among the parties, and the amount in controversy requirement will be met in this case.

WHEREFORE, Defendant HYD-MECH GROUP LIMITED, prays that this Honorable Court retain jurisdiction of the matter pursuant to 28 U.S.C. §§ 1332, 1441 and 1446. If, however, any question arises as to the propriety of the removal of this action, Defendant respectfully requests the opportunity to present written briefs and oral argument in support of its arguments set forth herein.

Respectfully submitted,

SMITHAMUNDSEN LLC

By: /s/ Camille M. Knight
Attorneys for Defendant
HYD-MECH GROUP LIMITED

Michael J. McGowan
Camille M. Knight
SmithAmundsen LLC
150 N. Michigan Ave., Suite 3300
Chicago, IL 60601
(312) 894-3200

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of May, 2008, I filed the foregoing Memorandum in Support of Defendant Hyd-Mech Group Limited's Notice of Removal, along with exhibits referenced herein, with the Clerk of the Court via the CM/ECF system. A true and correct copy of the foregoing has also been sent via first class mail to:

Devin C. McNulty
Susan E. Loggans & Associates, P.C.
33 N. LaSalle Street, Suite 1710
Chicago, IL 60602

/s/ Camille M. Knight
Camille M. Knight

SEL/DCM/kkm 07-201 04/09/08 #21683

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

THOMAS LAYBURN and)
CINDY LAYBURN,)
Plaintiffs,)
v.)

HYD-MEC GROUP LIMITED,)
Defendant.)

Case No. 2008L003888
CALENDAR/ROOM 8
TIME 00:00
Product Liability

COMPLAINT AT LAW

COUNT I - STRICT LIABILITY IN TORT - HYD-MEC GROUP LIMITED

NOW COMES the plaintiff hereto, THOMAS LAYBURN, by and through his attorneys SUSAN E. LOGGANS & ASSOCIATES, P.C., complaining of the defendant HYD-MEC GROUP LIMITED, a Canadian corporation, upon information and belief states as follows:

1. On and prior to November 21, 2007, defendant HYD-MEC GROUP LIMITED was a corporation authorized to transact business in the State of Illinois and specializes in manufacturing and servicing large sawing machines.
2. On and prior to November 21, 2007, defendant HYD-MEC GROUP LIMITED did design, manufacture, sell, distribute and maintain specialty steel cutters.
3. On November 21, 2007, one of the steel cutting machines designed, manufactured, distributed, maintained and/or sold by the defendant HYD-MEC



GROUP LIMITED, model HYD-MEC H-22A, was in possession of Crucible Service Centers (CSC), in the City of Romeoville, County of Will, State of Illinois.

4. On and prior to November 21, 2007, the plaintiff, THOMAS LAYBURN, was an employee of CSC, and was required to cut large and small diameters into steel plates using the HYD-MEC H-22A. CSC bought the HYD-MEC H-22A steel cutter used by the plaintiff directly from HYD-MEC Group Limited.

5. On November 21, 2007, while the plaintiff THOMAS LAYBURN was in the normal course of his duties and was utilizing the aforesaid HYD-MEC H-22A, he was injured.

6. Prior to November 21, 2007, at the time the HYD-MEC H-22A left the control of defendant HYD-MEC GROUP LIMITED, it was in a condition that was unreasonably dangerous in one or more of the following ways:

- (a) Had insufficient safeguards to prevent users of the HYD-MEC H-22A from turning the switch to the "Close" position for the vise.
- (b) Did not contain appropriate mechanisms to prevent the switch from automatically shutting when the switch is turned to the "Close" position, causing the vise to instantly shut, when feasible, alternative designs were available.
- (c) Did not contain appropriate warning signs and instructions for the safe operation and use of the HYD-MEC H-22A; and
- (d) Did not contain appropriate mechanisms for stopping the vice when the switch was in the "Close" position as it did for when the switch is in the "Open" position.

7. As a proximate result of one or more of the aforesaid unreasonably dangerous conditions of the aforesaid HYD-MEC H-22A, the plaintiff, THOMAS LAYBURN, suffered severe and permanent injury of a personal and pecuniary nature.

WHEREFORE the plaintiff, THOMAS LAYBURN, prays that judgment be entered in his favor and against the defendant HYD-MEC GROUP LIMITED, a corporation, in an amount in excess of \$50,000.00, plus costs incurred in the prosecution of this action.

COUNT II - NEGLIGENCE - HYD-MEC GROUP LIMITED

NOW COMES the plaintiff hereto THOMAS LAYBURN, by and through his attorneys, SUSAN E. LOGGANS & ASSOCIATES, P.C., and complaining of the defendant HYD-MEC GROUP LIMITED, a Canadian corporation, upon information and belief, states as follows:

1. On and prior to November 21, 2007, defendant HYD-MEC GROUP LIMITED was a corporation authorized to transact business in the State of Illinois and was in the business of designing, manufacturing, distributing, selling and maintaining HYD-MEC H-22A steel cutters.

2. On and prior to November 21, 2007, defendant, HYD-MEC GROUP LIMITED, did design, manufacture, distribute, sell and maintain said HYD-MEC H-22A's.

3. On November 21, 2007, one of the HYD-MEC H-22A's designed, manufactured, distributed, sold and maintained by defendant HYD-MEC GROUP LIMITED, Model HYD-MEC H-22A was in the possession of CSC and defendant

HYD-MEC GROUP LIMITED transported and placed said HYD-MEC H-22A to CSC, located in Romeoville, Illinois.

4. On and prior to November 21, 2007, the plaintiff THOMAS LAYBURN, was an employee of CSC, and worked on a two year-old HYD-MEC H-22A steel cutting machine.

5. On November 21, 2007, while the plaintiff THOMAS LAYBURN was in the normal course of his duties and using the aforesaid HYD-MEC H-22A, he was injured.

6. At all times relevant hereto, it was the duty of the defendant HYD-MEC GROUP LIMITED to manufacture, design, sell, distribute and maintain said HYD-MEC H-22A in a safe and reasonable manner so as not to cause injury to those utilizing the HYD-MEC H-22A including the plaintiff THOMAS LAYBURN.

7. Notwithstanding the aforesaid duty, on and prior to November 21, 2007, the defendant HYD-MEC GROUP LIMITED by and through its duly authorized agents, employees and servants committed one or more of the following negligent acts or omissions:

(a) Had insufficient safeguards to prevent users of the HYD-MEC H-22A from turning the switch to the "Close" position for the vise.

(b) Did not contain appropriate mechanisms to prevent the switch from automatically shutting when the switch is turned to the "Close" position, causing the vise to instantly shut, when feasible, alternative designs were available.

(c) Did not contain appropriate warning signs and instructions for the safe operation and use of the HYD-MEC H-22A; and

(d) Did not contain appropriate mechanisms for stopping the vice when the switch was in the "Close" position as it did for when the switch is in the "Open" position.

(e) Failed to ensure that the HYD-MEC H-22A was safe for those utilizing it.

(f) Failed to properly maintain and repair the HYD-MEC H-22A in a safe and reasonable manner, so that users of the HYD-MEC H-22A, including the plaintiff, THOMAS LAYBURN, would not become injured.

8. As a proximate result of one or more of the aforesaid negligent acts and/or omissions committed by the defendant HYD-MEC GROUP LIMITED, the plaintiff THOMAS LAYBURN suffered severe and permanent injury of a personal and pecuniary nature.

WHEREFORE the plaintiff THOMAS LAYBURN prays that judgment be entered in his favor and against the defendant HYD-MEC GROUP LIMITED, a corporation, in an amount in excess of \$50,000.00, plus costs incurred in the prosecution of this action.

COUNT III - LOSS OF CONSORTIUM - HYD-MEC GROUP LIMITED

NOW COMES the plaintiff hereto, CINDY LAYBURN, by and through her attorneys SUSAN E. LOGGANS & ASSOCIATES, P.C., and complaining of the defendant HYD-MEC GROUP LIMITED, a corporation, upon information and belief states as follows:

1. The plaintiff, CINDY LAYBURN, repleads, restates and realleges Paragraphs one (1) through seven (7), inclusive of

Count II as and for Paragraphs one (1) through seven (7) of this
Count III as though fully stated herein.

8. Before, on and after November 21, 2007, CINDY LAYBURN
was married to THOMAS LAYBURN.

9. As a proximate result of one or more of the foregoing negligent
acts or omissions committed by the defendant HYD-MEC
GROUP LIMITED, the plaintiff CINDY LAYBURN suffered
and will in the future continue to suffer loss of consortium and
has been denied the comfort, counsel and society of THOMAS
LAYBURN.

WHEREFORE the plaintiff hereto CINDY LAYBURN prays that judgment be entered
in her favor and against the defendant, HYD-MEC GROUP LIMITED, a corporation
in an amount in excess of \$50,000.00, plus costs incurred in the prosecution of this
action.

SUSAN E. LOGGANS & ASSOCIATES, P.C.
Attorneys for Plaintiffs

BY: 
DEVIN C. MCNULTY

SUSAN E. LOGGANS & ASSOCIATES, P.C.
33 N. LaSalle Street, Suite 1710
Chicago, IL 60602
(312) 201-8600

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

THOMAS LAYBURN and
CINDY LAYBURN

Plaintiff(s),

vs.

HYD-MEC GROUP LIMITED

Defendant(s)

NO.

RULE 222 AFFIDAVIT

THOMAS LAYBURN
I/We, CINDY LAYBURN, being first duly sworn on oath
depose and state as follows:

1. I/We am/are the plaintiff(s) in the above entitled cause of action.
2. The total money damages sought in the above cause of action will exceed the amount of \$50,000.

Thomas Layburn
Cindy Layburn

SUBSCRIBED AND SWORN to before me
This 9 day of April, 2008.

Jamie Borowski
NOTARY PUBLIC

SUSAN E. LOGGANS & ASSOCIATES, P.C.
33 North LaSalle Street, Suite 1710
Chicago, IL 60602
312-201-8600
#21683



r 21 08 03:31p

Kevin Winter

1-815-422-0162

p.1

2120 - Served
 2220 - Not Served
 2320 - Served By Mail
 2420 - Served By Publication
 SUMMONS

2121 - Served
 2221 - Not Served
 2321 - Served By Mail
 2421 - Served By Publication
 ALIAS - SUMMONS

(Rev.12/3/01) CCG 000:

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 COUNTY DEPARTMENT, LAW DIVISION

THOMAS LAYBURN and
 CINDY LAYBURN

Plaintiff's

v.

HYD-MEC GROUP LIMITED

Defendant.

2008L003888

CALENDAR/ROOM B

TIME 00:00

Product Liability

PLEASE SERVE:
 Kevin Winter
 291 West Grant Street
 St. Anne, IL 60964

SUMMONS

To each defendant:

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance, and pay the required fee, in the office of the Clerk of this Court at the following location:

- ☒ Richard J. Daley Center, 50 W. Washington, Room 801, Chicago, Illinois 60602
- | | | |
|--|---|--|
| <input type="checkbox"/> District 2 - Skokie
5600 Old Orchard Rd.
Skokie, IL 60077 | <input type="checkbox"/> District 3 - Rolling Meadows
2121 Euclid
Rolling Meadows, IL 60008 | <input type="checkbox"/> District 4 - Maywood
1500 Maybrook Ave.
Maywood, IL 60153 |
| <input type="checkbox"/> District 5 - Bridgeview
10220 S. 76th Ave.
Bridgeview, IL 60455 | <input type="checkbox"/> District 6 - Markham
16501 S. Kedzie Pkwy.
Markham, IL 60426 | |

You must file within 30 days after service of this summons, not counting the day of service.

IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF REQUESTED IN THE COMPLAINT.

To the officer:

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed. This summons may not be served later than 30 days after its date.

Atty. No.: 21683
 Name: SUSAN E. LOGGANS & ASSOCIATES
 Atty. for: PLAINTIFF
 Address: 33 N. LASALLE, SUITE 1710
 City/State/Zip: CHICAGO, IL 60602
 Telephone: 312-201-8600

WITNESS, _____

Dorothy Brown
 Clerk of Court
 4-21-08

Date of service: _____
 (To be inserted by officer on copy left with defendant or other person)

Service by Facsimile Transmission will be accepted at: _____

(Area Code) (Facsimile Telephone)

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY

EXHIBIT

B

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

THOMAS LAYBURN and CINDY LAYBURN,)

Plaintiffs,)

vs.)

HYD MEC GROUP LIMITED,)

Defendant.)

No.: o8 L3888

APPEARANCE AND JURY DEMAND

The undersigned, as attorney, enters the appearance and jury demand of HYD MECH GROUP LIMITED.

***Defendants demand trial by jury.**



Michael J. McGowan,
Attorney for Defendant, Hyd-Mech
Group Limited

SmithAmundsen LLC
150 North Michigan Avenue, Suite 3300
Chicago, Illinois 60601
(312) 894-3200
Firm No. 42907

I certify that a copy of the within instrument was served on all parties who have appeared and have not heretofore been found by the Court to be in default for failure to plead.



Attorney for Defendant



SUSAN E. LOGGANS & ASSOCIATES, P.C.

ATTORNEYS AT LAW
SUITE 1710
33 NORTH LA SALLE STREET
CHICAGO, ILLINOIS 60602-2634
E-MAIL: loggans@logganslaw.com
WEBSITE: www.logganslaw.com

TELEPHONE
(312) 201-8600

FACSIMILE
(312) 201-1180

07-201/SETL

February 4, 2008

Nancy Baresich
SCM Adjusters Canada, LTD.
746 Baseline Rd., E., Ste. 210
London Ontario, N6C 2R5

RE: Thomas Layburn v. Hyd-Mech Group Limited
Our File No. 07-201
Your File No.: 36010-018404 NAB
Date of Accident: 11/21/07

Dear Ms. Baresich:

Enclosed please find the following:

- Medical records from DuPage Medical Group;
- Medical records from Edwards Hospital;
- Copies of medical bills with a Damages Statement; and
- Copies of Mr. Layburn's hand and fingers.

Upon receipt of this correspondence, please call and provide me with your insured's policy limits.

Sincerely,


DEVIN C. MCNULTY

SEL/DCM/sas

Certified Mail No. 7006 2760 0005 6468 3277

Return Receipt Requested

POLIM

Received - London
FEB 11 2008
SCM Canada



Factual Report / Damages Statement
LAYBURN, THOMAS V HYD-MECH GROUP LIMITED

<u>Date</u>	<u>Provider</u>		<u>Amount</u>
11/21/2007	Ambulance Billing	11/21/07 (Village of Romeo) = \$665.00	665.00
11/21/2007	DuPage Medical Clinic	11/21/07 (Emergency Care with Dr. Walsh) = \$8,200.00	8,200.00
11/21/2007	Edward Hospital	11/21/07 (ER Care & Overnight Stay) = \$11,908.00	11,908.00
Subtotal			<u><u>20,773.00</u></u>
Grand Total			<u><u>20,773.00</u></u>

Medical Bills Report - MedBill3.Rpt



ROMEDEVILLE, VILLAGE OF

18 MONTROSE DRIVE
ROMEDEVILLE, IL 60446BILLING QUESTIONS
800-244-2345PATIENT NAME: THOMAS LAYBURN
INSURANCE: PRIVATE PORTIONPATIENT NUMBER: 396642
CALL NUMBER: D072695
DATE OF CALL: 11/21/07
TIME OF CALL: 13:17
CALLER:
FROM: 1351 ENTERPRISE DR
TO: EDWARD HOSPITALTHOMAS LAYBURN
OAKLAWN IL 60453REASON(S)
FOR
TRANSPORT

DESCRIPTION OF CHARGE	QUANTITY	UNIT PRICE	AMOUNT
ALS BASE EMERGENCY NON RES	1	575.00	575.00
MILEAGE	10	9.00	90.00

DESCRIPTION OF PAYMENT	RECEIPT	PAYMENT DATE	AMOUNT
			665.00

PLEASE PAY THIS AMOUNT



665.00

DETACH ALONG PERFORATION ABOVE AND RETURN THIS STUB WITH YOUR PAYMENT

665.00

PATIENT NAME: THOMAS LAYBURN
PATIENT NUMBER: 396642CALL NUMBER: D 07269501
BILLING DATE: 12/11/07AMOUNT DUE \$
AMOUNT \$
ENCLOSEDPLEASE COMPLETE THE ENCLOSED FORM IF YOU HAVE
MEDICARE, PUBLIC AID, OR INSURANCE!!!!!!

THOMAS LAYBURN

744171

DuPage Medical Group
 Patient Accounts
 700 W. 31st Street
 Suite 400
 Downers Grove, IL 60515

	Patient	LAYBURN, THOMAS					
	Physician	WALSH, KEVIN F					
11/21/07	99222	INITIAL HOSPITAL CARE	N/A	255.00			
12/21/07		INSURANCE PAYMENT			130.50		
12/21/07		CONTRACTUAL ADJUSTMENT-INS			111.00	0.00	14.50

	Patient	LAYBURN, THOMAS					
	Physician	WALSH, KEVIN F					
11/21/07	26961	AMPUTATION OF FINGER/THUMB	N/A	2,296.00			
12/21/07		INSURANCE PAYMENT			680.20		
12/21/07		CONTRACTUAL ADJUSTMENT-INS			1,320.00	0.00	97.80

	Patient	LAYBURN, THOMAS					
	Physician	WALSH, KEVIN F					
11/21/07	26951	AMPUTATION OF FINGER/THUMB	N/A	2,296.00			
12/21/07		INSURANCE PAYMENT			440.10		
12/21/07		CONTRACTUAL ADJUSTMENT-INS			1,609.00	0.00	48.90

	Patient	LAYBURN, THOMAS					
	Physician	WALSH, KEVIN F					
11/21/07	26750	TREAT FINGER FRACTURE, E*	N/A	720.00			
12/21/07		INSURANCE PAYMENT			216.90		
12/21/07		CONTRACTUAL ADJUSTMENT-INS			479.00	0.00	24.10

Patient LAYBURN, THOMAS
 Physician WALSH, KEVIN F

THOMAS LAYBURN

OAK LAWN, IL 60453

THOMAS LAYBURN

744171

DuPage Medical Group
 Patient Accounts
 1100 W. 31st Street
 Suite 400
 Downers Grove, IL 60515

11/21/07	11011	DEBRIDEMENT ASSOCIATED W*	N/A	1,215.00			
12/21/07		INSURANCE PAYMENT			395.10		
12/21/07		CONTRACTUAL ADJUSTMENT-INS			776.00	0.00	43.90
	Patient	LAYBURN, THOMAS					
	Physician	WALSH, KEVIN F					
11/21/07	11011	DEBRIDEMENT ASSOCIATED W*	N/A	1,215.00			
12/21/07		INSURANCE PAYMENT			395.10		
12/21/07		CONTRACTUAL ADJUSTMENT-INS			776.00	0.00	43.90
	Patient	LAYBURN, THOMAS					
	Physician	WALSH, KEVIN F					
11/21/07	11720	REMOVAL OF NAIL PLATE	N/A	195.00			
12/21/07		INSURANCE PAYMENT			80.10		
12/21/07		CONTRACTUAL ADJUSTMENT-INS			110.00	0.00	6.90
						0.00	282.00
							282.00
\$282.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$282.00

12/28/07

\$282.00

THOMAS LAYBURN

OAK LAWN, IL 60453

EDWARD801 SOUTH VIGTON STREET
NAPERVILLE, ILLINOIS 60540-7060HOSPITAL FEDERAL IDENTIFICATION NO. 363297173
FOR QUESTIONS ON THIS ACCOUNT, PLEASE CALL PATIENT ACCOUNTS
AT (630) 527-3100 BETWEEN THE HOURS OF 9:00 AM AND 4:00 PM MON. - FRI.

HOSPITAL & HEALTH SERVICES TELEPHONE: 630/527-3000

PLEASE NOTE: PAYMENTS SHOULD BE SENT TO: EDWARD HOSPITAL P.O. BOX 4207, CAROL STREAM, IL 60197-4207

PATIENT NAME LAYBURN, THOMAS

AMOUNT ENCLOSED	TYPE
\$	FINAL

PLEASE DETACH AT DASH LINES AND RETURN WITH YOUR REMITTANCE

PATIENT ACCOUNT NUMBER	ADMISSION DATE	DISCHARGE DATE	BILLING DATE
E043049766	11/21/07	11/22/07	12/01/07
INSURANCE COVERAGE		POLICY NUMBER	

GUARANTOR

LAYBURN, THOMAS

OAK LAWN IL 60453-1651

SERVICE DATE	DESCRIPTION	QTY	AMOUNT
11/21/07	*** DRUGS/GENERIC *** BAC50 BACITRACIN 50,000 UTS INJ; BACITRACIN 50,000 UNITS VL	-1	-70.50
11/21/07	BAC50 BACITRACIN 50,000 UTS INJ; BACITRACIN 50,000 UNITS VL	1	70.50
11/21/07	MOR04 MORPHINE 4 MG INJ; morphine SULFATE 4 MG/ML SYG	2	71.00
11/21/07	POL50 POLYMYXIN B 500,000 UNITS; POLYMYXIN B SULFATE 500,000 UNIT VL	-1	-46.50
11/21/07	POL50 POLYMYXIN B 500,000 UNITS; POLYMYXIN B SULFATE 500,000 UNIT VL	1	46.50
11/21/07	SUB50 FENTANYL 5ML AMP; FENTANYL CITRATE 250 MCG/5 ML VL	1	40.75
11/21/07	ANE51 SUCCINYLCHOLINE 200MG INJ; OR SUCCINYLCHOLINE 200 MG/10 ML VL	1	29.75
11/21/07	DIP59 PROPOFOL 10MG/ML 20ML AMP; OR PROPOFOL (BRA) 200 MG/20 ML VL	1	84.75

			226.25
11/21/07	08312 *** IV SOLUTIONS *** IV FLUID-ADDITIONAL	1	46.50

			46.50
11/21/07	SEN51 *** DRGS/OTHER *** BUPIVACAINE 0.5% MPF 30ML; BUPIVACAINE HCL 0.5% 30 ML VL MPF	1	35.50

			35.50
11/21/07	50104 *** IV THERAPY *** IVINFUS THERAPEUTIC EA ADDL HR	1	154.00

			154.00
11/21/07	72799 *** MEDICAL/SURGICAL SUPPLIES *** PACU IV SUPPLIES	1	70.00
11/21/07	72798 PACU MEDICAL SUPPLIES	1	23.75
11/21/07	72792 STEPDOWN/OBSERV PT MED SUPP	1	190.75

			284.50
	*** NON STERILE MED/SURG SUPPLY ***		

ACCOUNT NUMBER E043049766

TOTAL

TOTAL CREDITS

TOTAL DUE

ESTIMATED INSURANCE COVERAGE

ESTIMATED PATIENT DUE

THE DATES FOR SERVICES INDICATED ABOVE REFLECT THE DATES OF POSTING, NOT THE DATE OF SERVICE. IF YOU HAVE RECEIVED HOSPITAL SERVICES FROM AN ANESTHESIOLOGIST, A PATHOLOGIST OR A RADIOLOGIST, YOU WILL RECEIVE A SEPARATE PHYSICIAN BILLING FOR EACH OF THE SERVICES.

PLEASE RETAIN. THIS IS THE ONLY COPY YOU WILL RECEIVE.



801 SOUTH WILMINGTON STREET
NAPERVILLE, ILLINOIS 60540-7060

FOR QUESTIONS IN THIS ACCOUNT, PLEASE CALL PATIENT ACCOUNTS
AT (630) 527-3100 BETWEEN THE HOURS OF 9:00 AM AND 4:00 PM MON. - FRI.

HOSPITAL & HEALTH SERVICES TELEPHONE: 630/527-3000

PLEASE NOTE: PAYMENTS SHOULD BE SENT TO: EDWARD HOSPITAL P.O. BOX 4207, CAROL STREAM, IL 60197-4207

PATIENT NAME LAYBURN, THOMAS

AMOUNT ENCLOSED	TYPE
\$	FINAL

PLEASE DETACH AT DASH LINES AND RETURN WITH YOUR REMITTANCE

PATIENT ACCOUNT NUMBER	ADMISSION DATE	DISCHARGE DATE	BILLING DATE
E043049766	11/21/07	11/22/07	12/01/07
INSURANCE COVERAGE	POLICY NUMBER		

GUARANTOR

LAYBURN, THOMAS

OAK LAWN IL 60453-1651

SERVICE DATE	DESCRIPTION	QTY	AMOUNT
11/21/07	72833 IV PUMP-HORIZON	1	104.25
11/21/07	102590 OR EQ-CAUTERY ALL	1	110.25
11/21/07	101079 ELEVATOR ARM	1	35.75
11/22/07	72833 IV PUMP-HORIZON	1	104.25

			354.50
	*** STERILE MED/SURGICAL SUPPLIES ***		
11/21/07	84091 IV START SUPPLIES	1	84.50
11/21/07	101613 SUTURE F	2	57.50

			142.00
	*** CHEMISTRY ***		
11/21/07	13724 BASIC METABOLIC PANEL	1	165.25

			165.25
	*** HEMATOLOGY ***		
11/21/07	14530 CBC WITH DIFF	1	87.75
11/21/07	14720 PROTHROMBIN TIME (PT)	1	64.00
11/21/07	14690 PTT-PARTIAL THROMBOPLASTIN TIM	1	98.00

			249.75
	*** DIAGNOSTIC RADIOLOGY ***		
11/21/07	11460 HAND MIN 3 V	1	241.25

			241.25
	*** OPERATING ROOM SERVICES ***		
11/21/07	46074 KIMGUARD STERILIZATION	1	39.50
11/21/07	46073 ETO STERILIZATION	1	99.50
11/21/07	46073 ETO STERILIZATION	1	99.50
11/21/07	46075 PEEL PACKS STERILIZATION	1	12.25
11/21/07	102500 OR EQ-POWER AIR EQUIP (ALL)	1	110.25
11/21/07	102578 OR EQ-TOURNIQUET	1	109.00
11/21/07	46071 TRAY 2 STERILIZATION	1	91.50
11/21/07	104990 OR BASIC CHARGE-EMERGENCY	1	1666.25
11/21/07	104992 OR LEVEL 2	4	843.00
11/21/07	101118 CAUTERY C-2	1	20.25
11/21/07	101939 PACK M	1	239.00
11/21/07	100939 BANDAGE B	1	23.25
11/21/07	101393 DRESSING A-8	1	10.00

ACCOUNT NUMBER

E043049766

TOTAL

TOTAL CREDITS

TOTAL DUE

ESTIMATED INSURANCE COVERAGE

ESTIMATED PATIENT DUE

THE DATES FOR SERVICES INDICATED ABOVE REFLECT
THE DATES OF POSTING, NOT THE DATE OF SERVICE. IF
YOU HAVE RECEIVED HOSPITAL SERVICES FROM AN
ANESTHESIOLOGIST, A PATHOLOGIST OR A RADIOLOGIST,
YOU WILL RECEIVE A SEPARATE PHYSICIAN BILLING FOR
EACH OF THE SERVICES.

PLEASE RETAIN. THIS IS THE ONLY COPY YOU WILL RECEIVE.

EDWARD801 SOUTH WIGTON STREET
NAPERVILLE, ILLINOIS 60540-7060

HOSPITAL & HEALTH SERVICES

TELEPHONE: 630/527-3000

FOR QUESTIONS IN THIS ACCOUNT, PLEASE CALL PATIENT ACCOUNTS
AT (630) 527-3100 BETWEEN THE HOURS OF 9:00 AM AND 4:00 PM MON. - FRI.

AMOUNT ENCLOSED	TYPE
\$	FINAL

PLEASE NOTE: PAYMENTS SHOULD BE SENT TO: EDWARD HOSPITAL P.O. BOX 4207, CAROL STREAM, IL 60197-4207

PATIENT NAME LAYBURN, THOMAS

PLEASE DETACH AT DASH LINES AND RETURN WITH YOUR REMITTANCE

GUARANTOR

LAYBURN, THOMAS

OAK LAWN IL 60453-1651

PATIENT ACCOUNT NUMBER	ADMISSION DATE	DISCHARGE DATE	BILLING DATE
E043049766	11/21/07	11/22/07	12/01/07
INSURANCE COVERAGE		POLICY NUMBER	

SERVICE DATE	DESCRIPTION	QTY	AMOUNT
11/21/07	101386 SPONGE A-2	2	15.00
11/21/07	100392 DRAPE L-1	1	40.50
11/21/07	101795 SOL K	2	15.00
11/21/07	100946 TOURNIQUET CUFF A	1	137.75
11/21/07	101389 BANDAGE A	1	7.50
11/21/07	100049 PREP GEL	1	19.25

			3598.25
11/21/07	*** ANESTHESIA *** 10460 GENERAL ANESTH	1	973.75

			973.75
11/21/07	*** EMERGENCY ROOM *** E30912 E-ER VISIT LEVEL 5 W/ PX	1	1980.25

			1980.25
11/21/07	*** DRUG REQUIRING DETAILED CODING *** ANC52 CEFAZOLIN 1 GM INJ; CEFAZOLIN SODIUM 1 GM VL	1	25.25
11/21/07	ANC54 CEFAZOLIN 1GM/D5W 50ML IVPB;	2	50.50
11/21/07	DIP51 CEFAZOLIN SODIUM 1 GM/50 ML FROZEN	1	46.50
11/21/07	UNA56 DIPHTHERIA-TET TOX ADULT; TETANUS, DIPHTHER TOXOID ADULT 0.5 M	1	122.00
11/21/07	DEC50 UNASYN 3 GM/NS 100ML IV MINIBG; AMPICILLIN/SULBACTAM 3 GM/NS 100 ML	2	36.50
11/21/07	MOR10 DEXAMETHASONE 4 MG/ML INJ; OR	1	35.50
11/21/07	REG51 DEXAMETHASONE SODIUM PHOSP 4 MG/ 10 MG/ML SYG	1	22.50
11/21/07	ZOF51 METOCLOPRAMIDE 10 MG INJ; OR METOCLOPRAMIDE HCL 10 MG/2 ML V	1	138.75
11/22/07	ANC54 ZOFAN 2MG PER ML/2ML INJ; OR	-1	-25.25
11/22/07	ANC54 ONDANSETRON HCL 4 MG/2 ML VL	1	25.25

			477.50

ACCOUNT NUMBER E043049766

TOTAL

TOTAL CREDITS

TOTAL DUE

ESTIMATED INSURANCE COVERAGE

ESTIMATED PATIENT DUE

THE DATES FOR SERVICES INDICATED ABOVE REFLECT
THE DATES OF POSTING, NOT THE DATE OF SERVICE. IF
YOU HAVE RECEIVED HOSPITAL SERVICES FROM AN
ANESTHESIOLOGIST, A PATHOLOGIST OR A RADIOLOGIST,
YOU WILL RECEIVE A SEPARATE PHYSICIAN BILLING FOR
EACH OF THE SERVICES.

PLEASE RETAIN. THIS IS THE ONLY COPY YOU WILL RECEIVE.

EDWARD

Case 1:08-cv-02876

Document 6-5

Filed 05/19/2008

HOSPITAL FEDERAL IDENTIFICATION NO. 36.3297173

4

801 SOUTH WASHINGTON STREET
NAPERVILLE, ILLINOIS 60540-7060FOR QUESTIONS IN THIS ACCOUNT, PLEASE CALL PATIENT ACCOUNTS
AT (630) 527-3100 BETWEEN THE HOURS OF 9:00 AM AND 4:00 PM MON. - FRI.

HOSPITAL & HEALTH SERVICES TELEPHONE: 630/527-3000

PLEASE NOTE: PAYMENTS SHOULD BE SENT TO: EDWARD HOSPITAL P.O. BOX 4207, CAROL STREAM, IL 60197-4207

PATIENT NAME LAYBURN, THOMAS

GUARANTOR

LAYBURN, THOMAS

OAK LAWN IL 60453-1651

AMOUNT ENCLOSED	TYPE
\$	FINAL

PLEASE DETACH AT DASH LINES AND RETURN WITH YOUR REMITTANCE

PATIENT ACCOUNT NUMBER	ADMISSION DATE	DISCHARGE DATE	BILLING DATE
E043049766	11/21/07	11/22/07	12/01/07
INSURANCE COVERAGE		POLICY NUMBER	

SERVICE DATE	DESCRIPTION	QTY	AMOUNT
11/21/07	*** RECOVERY ROOM ***		
11/21/07	08206 DRESSING CHANGE	1	70.25
11/21/07	08015 PACU 1-2 HOURS	1	1428.75

			1499.00
11/21/07	*** OBSERVATION RM ***		
11/21/07	19253 OBSERVATION CHARGE INITIAL HR	1	309.75
11/21/07	19254 OBSERVATION CHARGE ADD'L HR	12	360.00

			669.75
11/21/07	*** VACCINE ADMINISTRATION ***		
	50052 VACCINE ADMIN SINGLE	1	76.25

			76.25
11/21/07	*** OTHER THERAPEUTIC SERVICES ***		
	50005 THERAPEUTIC IV INJ (1ST)	1	142.75

			142.75
11/21/07	*** PRO FEE/ER ***		
	33870 LEVEL 5 TREATMENT BY MD	1	591.00

			591.00

ACCOUNT NUMBER

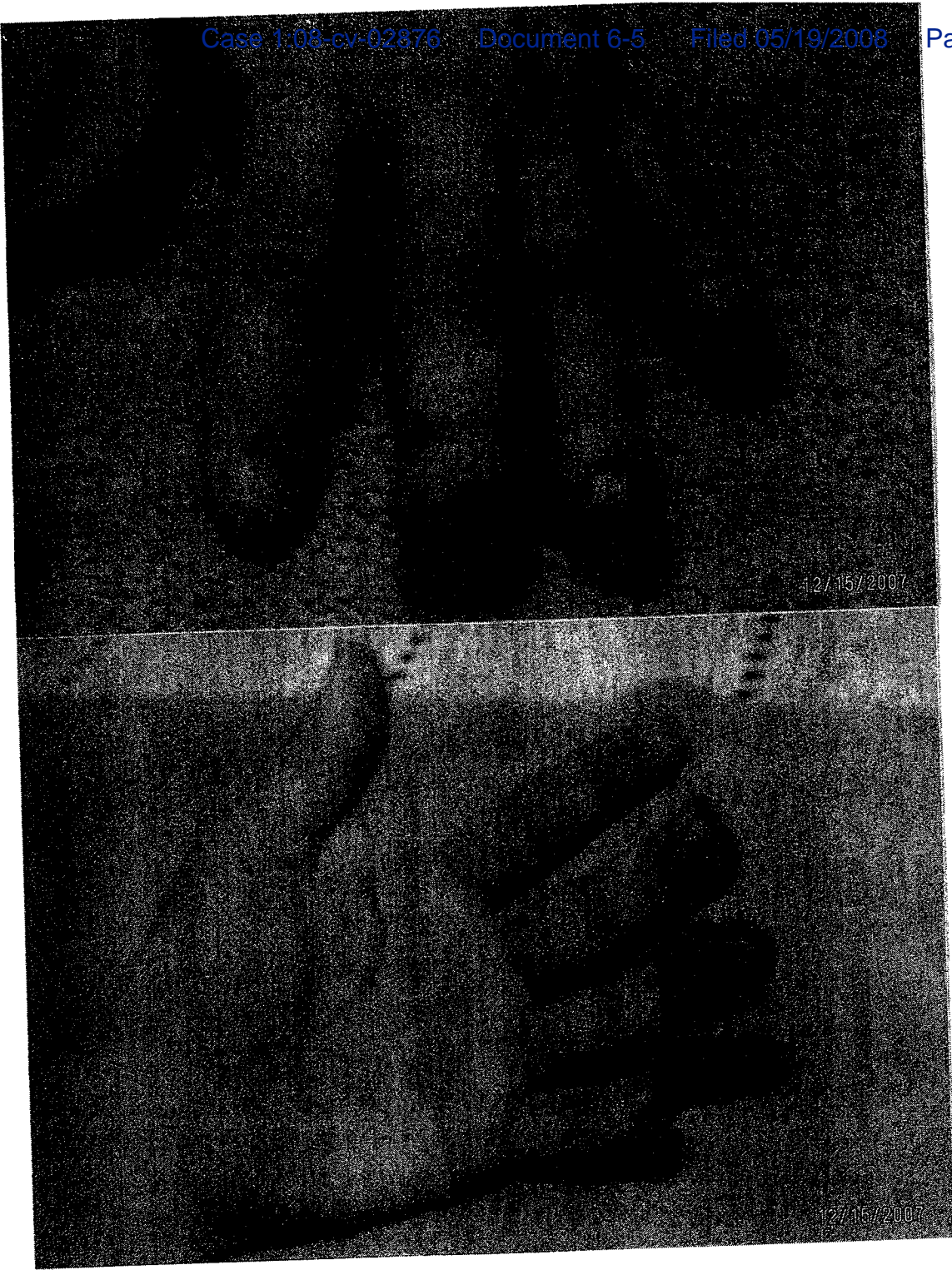
E043049766

THE DATES FOR SERVICES INDICATED ABOVE REFLECT
THE DATES OF POSTING, NOT THE DATE OF SERVICE. IF
YOU HAVE RECEIVED HOSPITAL SERVICES FROM AN
ANESTHESIOLOGIST, A PATHOLOGIST OR A RADIOLOGIST,
YOU WILL RECEIVE A SEPARATE PHYSICIAN BILLING FOR
EACH OF THE SERVICES.

TOTAL	11908.00
TOTAL CREDITS	
TOTAL DUE	11908.00
ESTIMATED INSURANCE COVERAGE	

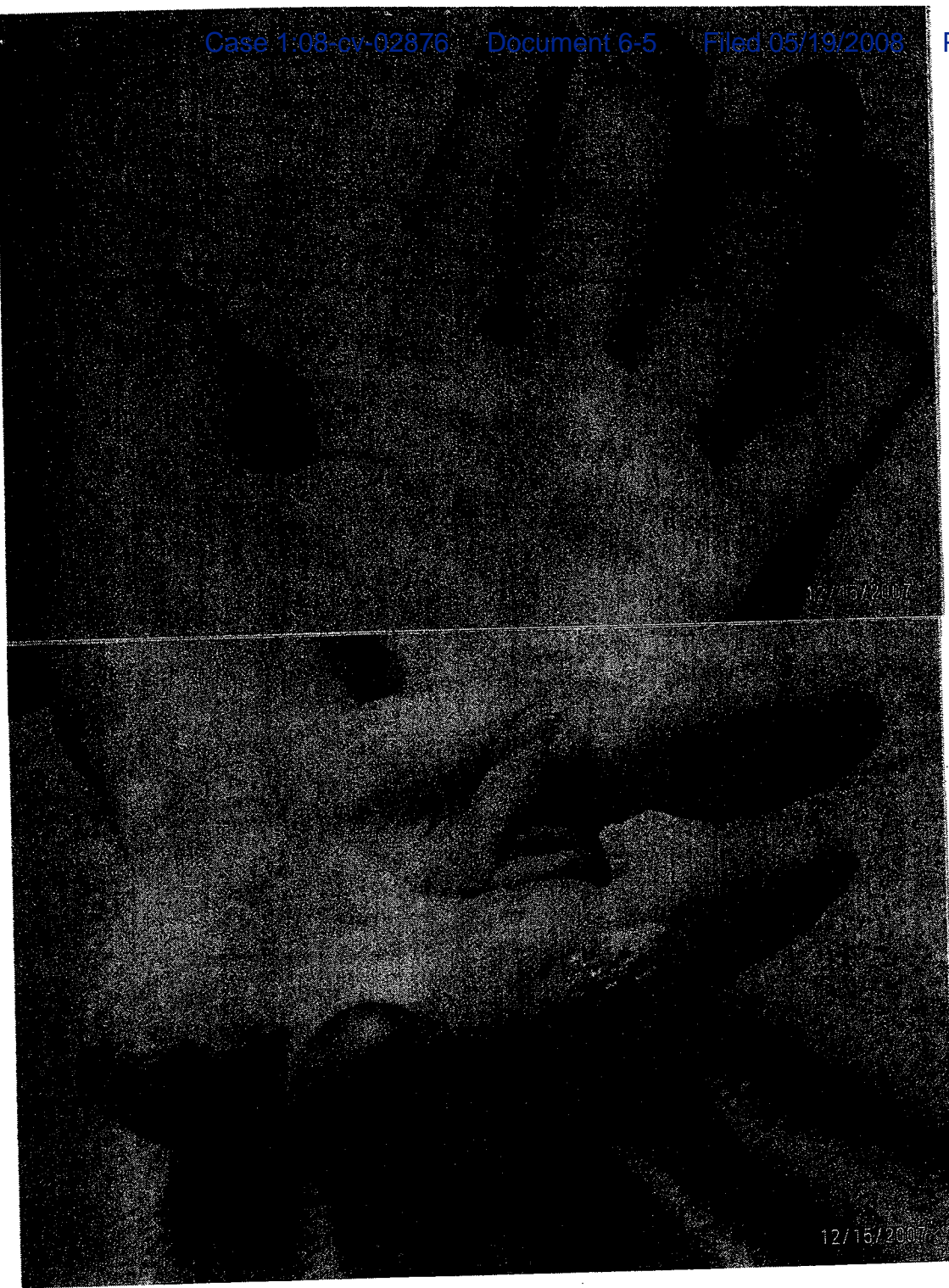
PLEASE RETAIN. THIS IS THE ONLY COPY YOU WILL RECEIVE.

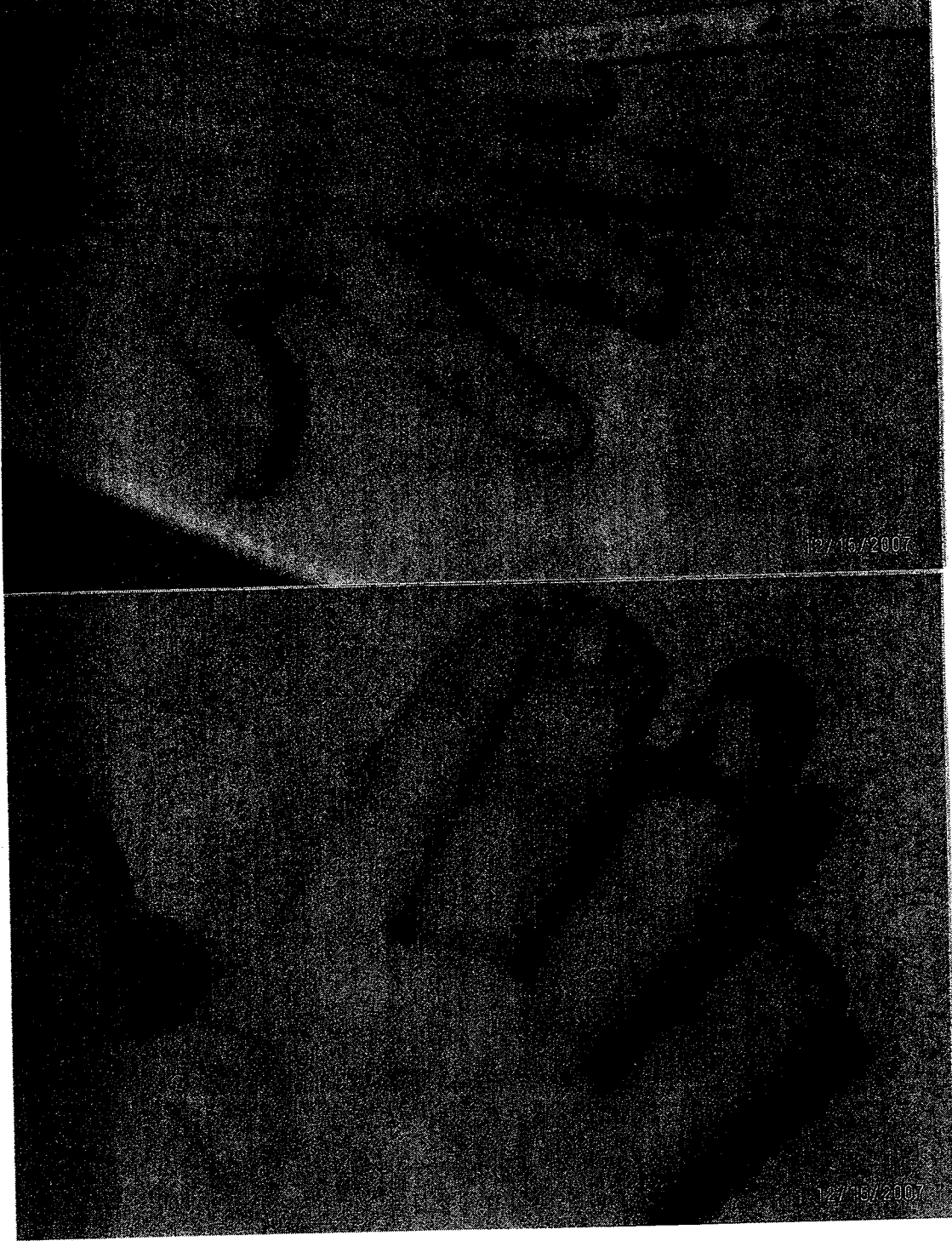
ESTIMATED PATIENT DUE



12/15/2007

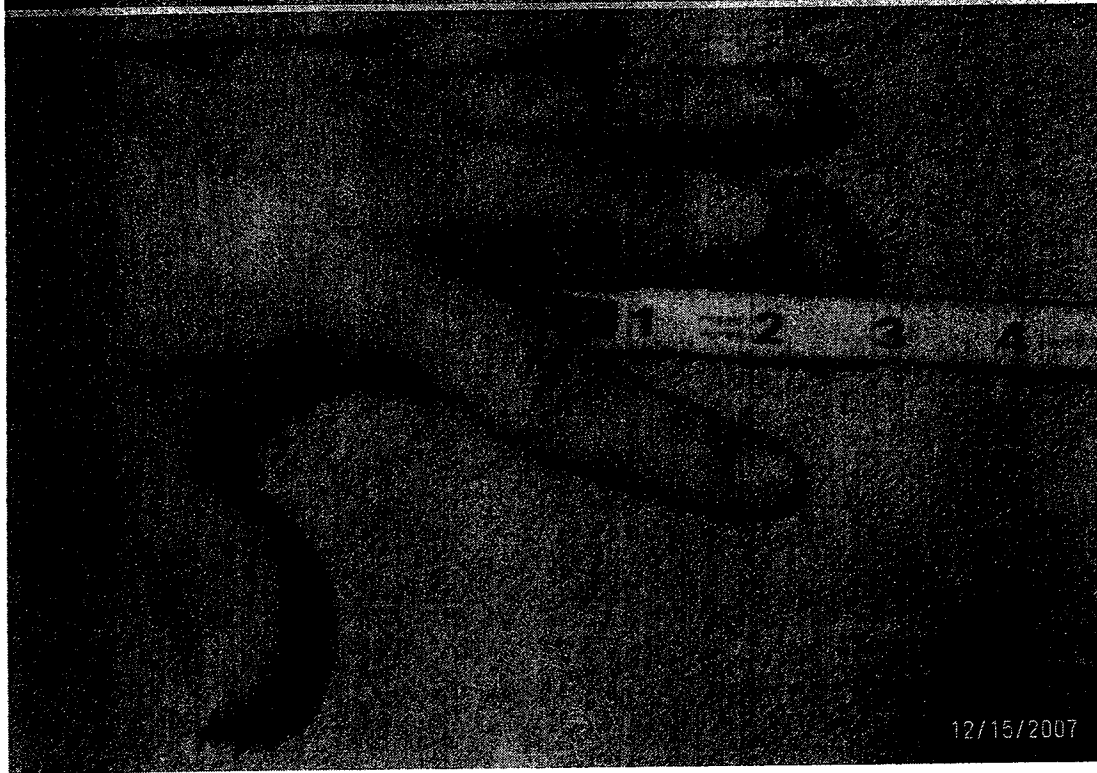
12/15/2007



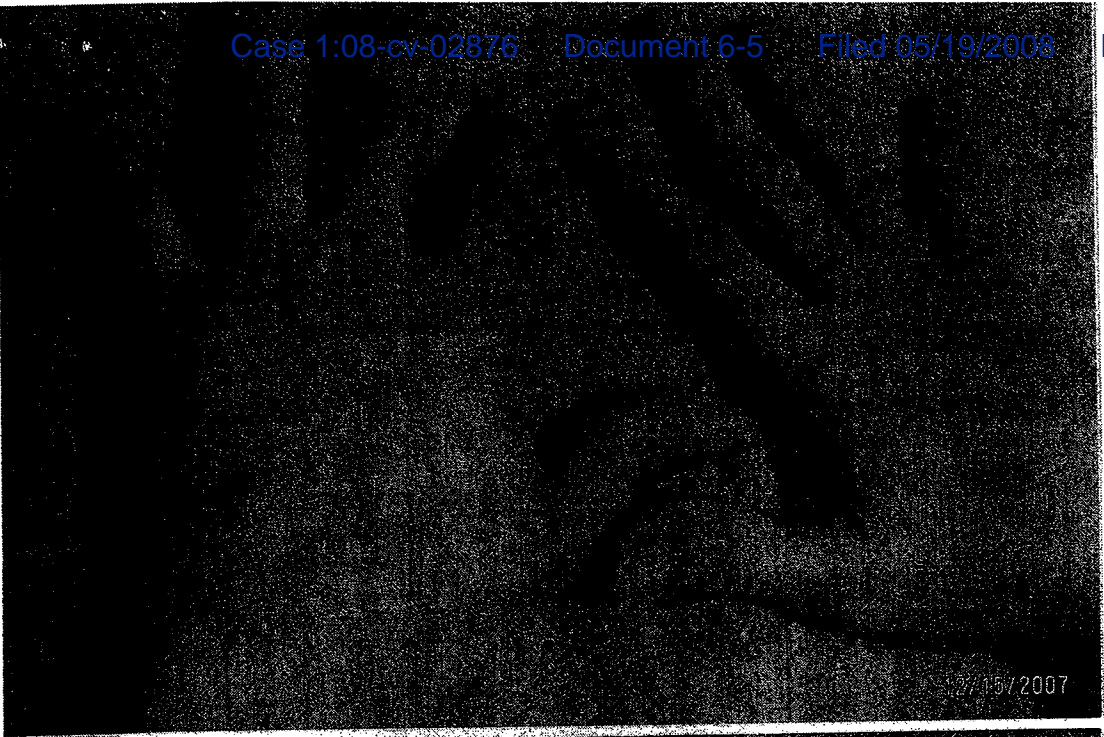




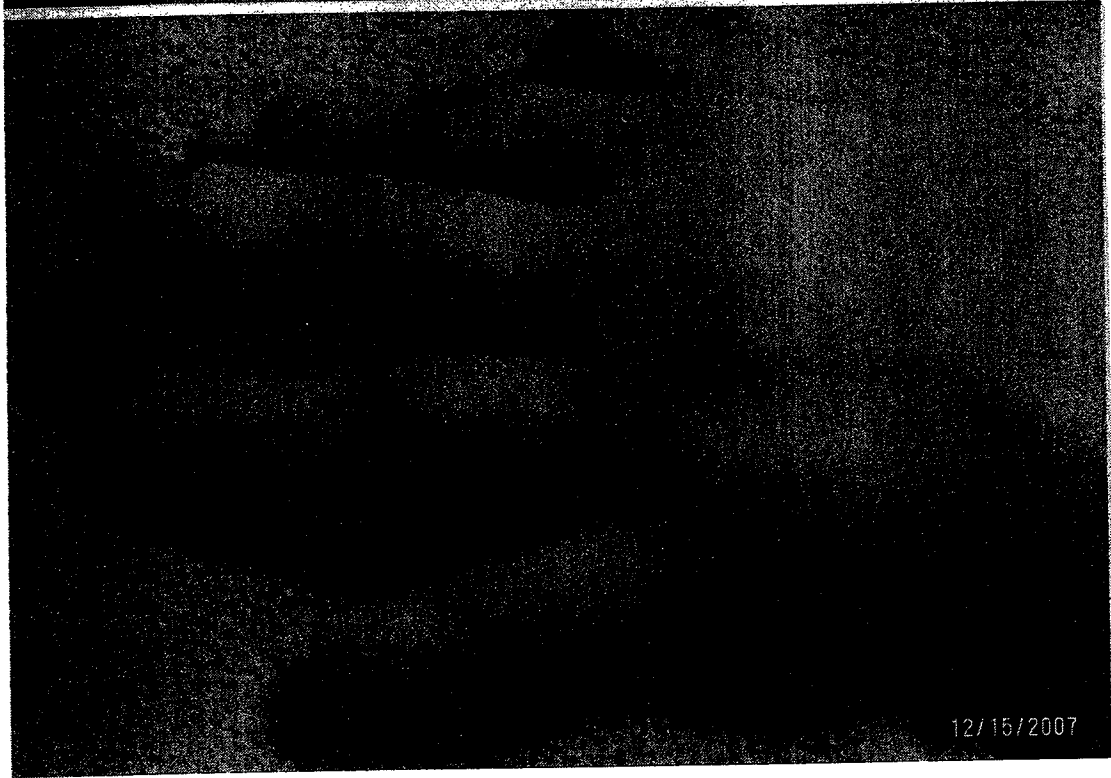
12/15/2007



12/15/2007



2/15/2007



12/15/2007

SEARCH

Welcome to Hyd-Mech!

Internationally Recognized as a Global Leader in Metal Sawing Solutions

search...



Main Menu

[Home](#) ▶ [Company Info](#)[Home](#)[Company Info](#)[Products](#)[Quality Pledge](#)[Parts & Service](#)[Promotions](#)[What's New](#)[FAQ's](#)[Sales Information](#)[Contact Us](#)

Company Info



Hyd-Mech Group Limited is a member of the MEP Group of Companies.

The MEP Group is a worldwide manufacturer and distributor of industrial band saws and cold saws. Headquartered in Italy, the Group has facilities in Italy, Canada, United States, and China.

Together, Hyd-Mech and MEP have the largest variety of metal cutting solutions and are known for being leaders in innovation and technology.

About Hyd-Mech

Founded in Woodstock, Ontario, Canada in 1978, HYD-MECH has grown rapidly to become a world leader in metal cut-off bandsaw technology.

Career Opportunities

HYD-MECH is an equal opportunity employer that welcomes applications from qualified candidates in a wide range of engineering, marketing, and sales support fields.

Leasing

As part of our complete customer support package, HYD-MECH is pleased to offer the benefits of convenient, affordable machine financing.

Tradeshaw Info

From Canada to the United States, Mexico, the United Kingdom and Germany, and many other countries around the globe, HYD-MECH proudly displays its latest models and product features at an ever-increasing number of tradeshow events.

Last Updated (Thursday, 06 March 2008)



[[Back](#)]

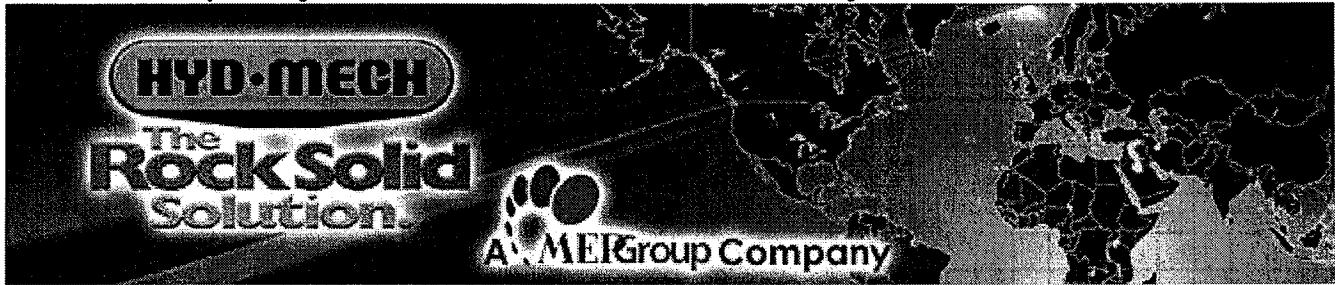
© Copyright 2005-2007 Hyd-Mech Group Ltd. Site designed and maintained by AZ Group

Welcome to Hyd-Mech!

Internationally Recognized as a Global Leader in Metal Sawing Solutions

SEARCH

search...



Main Menu

[Home](#)

[Company Info](#)

[Products](#)

[Quality Pledge](#)

[Parts & Service](#)

[Promotions](#)

[What's New](#)

[FAQ's](#)

[Sales Information](#)

[Contact Us](#)

[Home](#) ▶ [Company Info](#) ▶ [Company Info](#) ▶ [About Hyd-Mech](#)

About Hyd-Mech

Founded in Woodstock, Ontario, Canada in 1978, HYD-MECH has grown rapidly to become a world leader in metal cut-off bandsaw technology.



Today, HYD-MECH's 150 engineering, sales, marketing, and manufacturing employees operate an advanced facility of its kind, within a 100,000 sq. ft office in Woodstock and a 30,000 sq. ft facility in Little Rock, Arkansas. Hyd-Mech is closely linked to a field force of regional sales managers who are growing customer base through an integrated network of dealers in 20 countries.

Innovation

Innovation is what sets us apart. We were the first company to introduce swing-head and scissors-style saws and have always led the way in offering customers the widest range of products, producing the heaviest machines in every class.

Our teams of highly-skilled engineers, designers and technicians are continually working on new techniques that will improve the quality, the life-span and the ultimate performance of our material handling equipment.

And it is this unequalled approach to innovative design and construction that has earned us the reputation for being "The Rock Solid Solution providers."

[\[Back \]](#)